

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Nov 19, 2020**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAIDEN GYVAN PETERSEN,

Defendant.

Case No. 2:20-CR-00146-WFN-1

STIPULATED PROTECTIVE  
ORDER REGARDING COMPUTER  
FORENSIC REVIEW PROCEDURES  
FOR CHILD PORNOGRAPHY  
CONTRABAND

Court:  
Hon. Wm. Fremming Nielsen  
United States District Judge

The Court has received and reviewed the Stipulation Regarding Computer Forensic Review Procedures For Child Pornography Contraband filed by the parties in the above-captioned matter, and is fully advised.

GOOD CAUSE HAVING BEEN SHOWN, the Court hereby **ORDERS** that the Stipulation Regarding Computer Forensic Review Procedures For Child Pornography Contraband filed by the parties, **ECF No. 19**, is **GRANTED**.

1. IT IS FURTHER **ORDERED** that 18 U.S.C. § 3509(m) applies to this case, and the Court is required to deny defense requests to copy, photograph, duplicate, or otherwise reproduce material constituting child pornography if the government makes the material reasonably available to Defendant and provides an ample opportunity for the defense to examine it at a government facility. *See* 18 U.S.C. § 3509(m).

1           2.     IT IS FURTHER **ORDERED** that, in order to comply with 18 U.S.C.  
2 § 3509(m), and to allow Defendant the greatest opportunity to prepare an effective  
3 defense in preparation for trial in this matter, the government will make a true forensic,  
4 bit-by-bit E01 image of devices and media containing alleged child pornography  
5 contraband at issue in the above-referenced case. The government will make that forensic  
6 image reasonably available to Defendant and provide ample opportunity for the defense  
7 team to examine it at a government facility in Spokane, Washington. The parties may  
8 readdress the Court if there is a need for additional or after-hours access during the  
9 course of litigation in the event trial or motion hearings require additional forensic review.

10           3.     IT IS FURTHER **ORDERED** that the defense forensic examination will be  
11 conducted in an interview room monitored by closed-circuit television (“CC-TV”),  
12 without audio feed. While the TV with non-audio feed will ensure the integrity of FBI  
13 space and security of its occupants, the video feed is not of sufficient detail or at an  
14 angle that would reveal defense strategy. The government and its agents expressly agree  
15 that no attempt will be made to record any audio from the workstation and that no  
16 attempt will be made to observe the defense team’s work product or computer monitor  
17 screen at any time. The defense expert may review the feed to ensure that defense  
18 strategy is not being compromised at any time while conducting the forensic review.

19           4.     IT IS FURTHER **ORDERED** that the defense team<sup>1</sup> shall not make, nor  
20 permit to be made, any copies of the alleged child pornography contraband pursuant to  
21 this Protective Order and shall not remove any contraband images from the government  
22 facility. The defense expert will be allowed to copy any file that is not contraband and  
23 compile a report (without contraband images/videos) documenting the examination on  
24 removable media at the discretion of the defense expert.

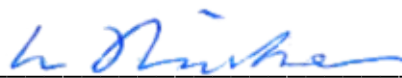
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27 <sup>1</sup> For purposes of this Protective Order, the term “defense team” refers solely to  
28 Defendant’s counsel of record (“defense counsel”), Defendant’s designated expert  
 (“defense expert”), and a defense investigator.

1           5.     **IT IS FURTHER ORDERED** that the designated defense expert, Jennifer  
2 McCann, will leave at the government facility any equipment, including hard drives,  
3 which contain child pornography contraband that is identified during forensic  
4 evaluation. The parties may readdress this matter with the Court upon notice that the  
5 defense intends to retain a different defense expert.

6           6.     **IT IS FURTHER ORDERED** that for the purpose of trial, the government  
7 agrees to make available a digital copy of any government trial exhibit that contains  
8 contraband, which will be kept in the custody and control of the case agent. Upon  
9 reasonable notice by the defense, the case agent will also maintain for trial digital copies  
10 of any proposed defense exhibit that contains contraband. If the defense team intends to  
11 offer, publish, or otherwise utilize any government or defense exhibit contained on the  
12 digital copy maintained by the case agent during trial, the case agent shall assist the  
13 defense team in publishing or utilizing the exhibit that contains contraband upon  
14 notification by the defense team.

15           **IT IS SO ORDERED.** The Clerk shall enter this Order and furnish copies to  
16 counsel.

17           Dated this 19th day of November, 2020.

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21           HONORABLE WM. FREMMING NIELSEN  
22           SENIOR UNITED STATES DISTRICT JUDGE  
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